

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 5TH DECEMBER 2006 / 14TH AGRAHAYANA 1928

WP(C).No. 32225 of 2006(J)

PETITIONER:

P.S. LALITH KUMAR NAIR,
S/O.P.SADASIVAN NAIR, PUTHANPURAYIL HOUSE,
KUTTOR P.O., THALAYAR, THIRUVALLA.

BY ADV. SRI.P.HARIDAS

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY
SECRETARY, DEPARTMENT OF CO-OPERATION,
THIRUVANANTHAPURAM.
2. JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES, THIRUVALLA.
3. SPECIAL SALE OFFICER (A & E INSPECTOR)
THIRUVALLA URBAN CO-OPERATIVE BANK LTD.,
OFFICE OF THE ASSISTANT SOCIETIES,
THIRUVALLA.
4. THIRUVALLA URBAN CO-OPERATIVE BANK,
REPRESENTED BY ITS SECRETARY, THIRUVALLA.

BY SENIOR GOVT. PLEADER SRI.P.N.SANTHOSH.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05/12/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

J.M. JAMES, J.

W.P.(C) No. 32225 of 2006

Dated this the 5th December, 2006.

J U D G M E N T

The writ petitioner availed a loan of Rupees Five Lakhs from the 4th respondent Bank for conducting a brick kiln. But the functioning of the kiln was not successful. Therefore, there was default in payment of the amount. Bank proceeded against the writ petitioner. Exts.P5 and P6 are the demand notices of public auction of sale of the properties of the petitioner, pledged with the 4th respondent, bank. Immediately on receipt of Exts.P5 and P6, the petitioner had remitted an amount of Rupees One Lakh, and also preferred Exts.P3 and P7 representations praying that he has already remitted an amount of Rs.2.75 lakhs, and the balance may be permitted to be paid, after finalising the amount due under the one time settlement. The grievance of the writ petitioner is that the same has not been acted upon. Hence, the writ petitioner prayed that he may be permitted to avail the one time settlement scheme, and also to permit him to remit the amount in easy instalments.

2. I heard the learned counsel appearing for the petitioner, as well as the Senior Government Pleader.

3. Considering the materials that are placed before me, I dispose of the writ petition directing the 4th respondent, Thiruvalla Urban Co-operative Bank, to consider Ext.P7 representation requesting for one time settlement of the amount due to the 4th respondent Bank, and pass orders, within two weeks from the date of production of a copy of this judgment.

4. The petitioner shall be bound by the decision of the orders that may be passed on Ext.P7 representation by the 4th respondent bank, and in case of any dispute, he shall approach the authorities concerned, on the orders that may be passed by the 4th respondent bank.

5. It is made clear that Exts.P5 and P6 shall stand stayed for a period of three weeks from today.

**J.M. JAMES,
JUDGE**

nj.